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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,846	01/29/2004	Victor Rosenman	5681-80400	2973
35690	7590	10/05/2006	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. 700 LAVACA, SUITE 800 AUSTIN, TX 78701			LOHN, JOSHUA A	
		ART UNIT	PAPER NUMBER	
			2114	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/767,846	ROSENMAN ET AL.
	Examiner	Art Unit
	Joshua A. Lohn	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 1/23/06.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other. _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 8, 9-11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Beardsley et al., United States Patent Application Publication number 2003/0131285, filed January 10, 2002.

As per claim 1, Beardsley discloses a method for testing computing devices, comprising the steps of: providing a plurality of suites of test programs for access by a server, wherein a first suite and a second suite of said plurality of suites are respectively adapted to run on a first platform and a second platform (Beardsley, ¶33, where the suite is represented by the test packets for each group); storing a first execution agent that is adapted to run on said first platform and a second execution agent that is adapted to run on said second platform for access by said server (Beardsley, ¶47-49, where each group is another platform and multiple groups exist); coupling a first computing device and a second computing device of said computing devices to said server, wherein said first computing device is adapted to operate using said first platform and said second computing device is adapted to operate using said second platform (Beardsley, figure 2 and ¶4, where the client test machines are computing devices that operate in different platforms); installing no more than one test harness on said server to support execution

of said test programs by said first computing device and said second computing device (Beardsley, ¶43, where the autolab is the test harness); using said test harness packaging a first test object with said first execution agent for download to said first computing device in a first package and packaging a second test object with said second execution agent for download to said second computing device in a second package (Beardsley, ¶44, where each test is packaged in a personalized test package for download); responsively to an instruction of said test harness downloading said first package and said second package to said first computing device and said second computing device, respectively (Beardsley, ¶44-45, where the tests are downloaded, based on group for execution by assignment to compatible computing devices); and concurrently executing a test program of said first package in said first computing device and a test program of said second package in said second computing device (Beardsley, ¶3 and figure 2, where multiple computing devices execute simultaneously with multiple platforms).

As per claim 4, Beardsley discloses the method according to claim 1, further comprising the steps of: displaying said suites as a hierarchy of identifiers of test objects corresponding to said test programs (Beardsley, ¶43, where the database displays a hierarchy of test identifiers); and responsively to said step of displaying, selecting said first test object from said first suite for execution thereof by said first computing device, and selecting said second test object from said second suite for execution thereof by said second computing device (Beardsley, ¶43, where all tests to execute in all groups are selected by the autolab component from this database).

Claims 5 and 8 are merely software implementations of the methods of claims 1 and 4, as mentioned above. Beardsley discloses the use of software implementations ¶25, and therefore claims 5 and 8 are rejected under the same grounds as those mentioned above.

As per claim 9, Beardsley discloses a system for testing computing devices, comprising: a communication interface for coupling a plurality of said computing devices thereto for use in communicating with said system via said communication interface (Beardsley, ¶37-38); a memory (Beardsley, ¶25); a single test harness object stored in said memory (Beardsley, ¶43, where the autolab object is the test harness); a suite of test programs stored in said memory for execution by said computing devices that are coupled to said system (Beardsley, ¶42, where the suite of programs is stored in the database); a processor that accesses said suite and said test harness object, wherein said processor cooperates with said test harness object to download said test programs via said communication interface for execution by said computing devices coupled thereto (Beardsley, ¶37-38 and ¶44-45, which show the communication and download respectively), so that at least first and second computing devices among said plurality (Beardsley, figure 2) execute different first and second test programs from said suite (Beardsley, ¶3-4), and to receive messages via said communication interface from said computing devices with respect to execution of said test programs (Beardsley, ¶37-38 and ¶45), and to control said execution of said test programs in said suite based on said messages by communicating responses to said messages via said communication interface (Beardsley, ¶45, where results and tests are communicated); and wherein said first and second test programs are adapted to respective first and second platforms, and said first and second computing devices operate using said first and second platforms, respectively (Beardsley, ¶3 and figure 2).

As per claim 10, Beardsley discloses the system according to claim 9, wherein said first and second test programs are executed substantially simultaneously under control of said processor (Beardsley, ¶3 and ¶52, which shows effort keep all systems simultaneously active).

As per claim 11, Beardsley discloses the system according to claim 9, wherein said test harness object and said processor further cooperate to perform the steps of: accessing first and second execution agents (Beardsley, ¶43, where tests of various groups are accessed) that are adapted to said first and second platforms (Beardsley, ¶33, where each group represents a platform), respectively; and packaging said first and second test programs with said first and second execution agents, respectively for download to said first and second computing devices as first and second packages, respectively (Beardsley, ¶44-45, where tasks are packaged, assigned or downloaded, and executed).

As per claim 13, Beardsley discloses the system according to claim 9, further comprising a graphical user interface in said processor for displaying said test programs as a hierarchy for selection of said first and second test programs therefrom (Beardsley, ¶33, where the developer is provided with a hierarchy of the group and the tests beneath the group, and then selects the tests to execute for which group).

As per claim 14, Beardsley discloses the system according to claim 9, wherein said computing devices are coupled to said communication interface via a common test host (Beardsley, ¶37-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley in view of Gavish et al., United States Patent Application Publication number 2004/0153774, filed January 22, 2003.

As per claim 2, Beardsley discloses the method according to claim 1, involving the first suite and second suite, but fails to disclose the additional limitations involving JAR files.

Gavish discloses test suites that comprise platform-specific JAR files (Gavish, ¶86, which shows platform-specific JAR files to allow execution of each MIDlet platform instruction).

It would have been obvious to one skilled in the art at the time of the invention to include the JAR files of Gavish in the invention of Beardsley.

This would have been obvious because Beardsley discloses a desire to debug within a variety of platforms (Beardsley, ¶4), and Gavish discloses partitions based upon MIDLet (Gavish, ¶8-10). Beardsley would have obviously benefited from the inclusion of this addition partition types by allowing support for a rapidly growing field of software platforms that need verification such as that provided by Beardsley (Gavish, ¶10).

As per claim 3, Beardsley discloses the method of claim 1, involving the first and second packages, but fails to disclose the additional limitations of including JAR files in the packages.

Gavish discloses tests that would include JAR files (Gavish, ¶86, which shows platform-specific JAR files to allow execution of each MIDLet platform instruction).

It would have been obvious to one skilled in the art at the time of the invention to include the JAR files of Gavish in the packages of Beardsley.

This would have been obvious because Beardsley discloses a desire to debug within a variety of platforms (Beardsley, ¶4), and Gavish discloses partitions based upon MIDLet (Gavish, ¶8-10). Beardsley would have obviously benefited from the inclusion of this addition partition types by allowing support for a rapidly growing field of software platforms that need verification such as that provided by Beardsley (Gavish, ¶10).

Claims 6 and 7 are merely software implementations of the methods of claims 2 and 3, as mentioned above. Beardsley discloses the use of software implementations ¶25, and therefore claims 6 and 7 are rejected under the same grounds as those mentioned above.

As per claim 12, Beardsley discloses the system according to claim 11, involving the first and second packages, but fails to disclose the additional limitations of including JAR files in the packages.

Gavish discloses tests that would include JAR files (Gavish, ¶86, which shows platform-specific JAR files to allow execution of each MIDLet platform instruction).

It would have been obvious to one skilled in the art at the time of the invention to include the JAR files of Gavish in the packages of Beardsley.

This would have been obvious because Beardsley discloses a desire to debug within a variety of platforms (Beardsley, ¶4), and Gavish discloses partitions based upon MIDLet (Gavish, ¶8-10). Beardsley would have obviously benefited from the inclusion of this addition partition types by allowing support for a rapidly growing field of software platforms that need verification such as that provided by Beardsley (Gavish, ¶10).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A. Lohn whose telephone number is (571) 272-3661. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAL



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SUPERVISORY PATENT EXAMINER